UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,276	04/09/2007	Richard Anthony Cudd	00169.113084.	3133

5514   7590   07/20/2010
FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER
RUST, ERIC A

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
07/20/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/581,276	CUDD ET AL.
	Examiner	**Art Unit**	
	ERIC A. RUST	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 July 2010*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8, 10-15 and 17-20* is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-8, 10-15, and 17-20* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some * c)☐ None of:
       1.☐ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____.
       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicants' submission filed on July 07,

2010 has been entered.

In the Amendment filed on July 07, 2010, Applicants amended claims 5-8, 15,

and 17-20. Accordingly, claims 1-8, 10-15, and 17-20 are pending.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-2 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Applicant Admitted Prior Art (hereinafter, AAPA) in view of U.S. Patent No.

4,889,439 to Cook et al. (hereinafter, Cook), in view of U.S. Patent No. 5,956,737 to

King et al. (hereinafter, King), as evidenced by Canon Easy-WebPrint user Manual.

In regard to independent claim 5, AAPA discloses a computer implemented method of printing a multi-page document sourced from a computer network (**AAPA, pg. 2, lines 13-16**), said method comprising the steps of:

providing a zoom property attribute to scale the multi-page document (**AAPA, pg. 2, lines 13-16, and Canon Easy-WebPrint user Manual, Fig. 1, "Content Size" box**);

scaling a size of content of the multi-page document according to the zoom property attribute (**AAPA, pg. 2, lines 13-16, and Canon Easy-WebPrint user Manual, Fig. 1, "Content Size" box, would be scaled when user selects a content size**).

printing the scaled multi-page document (**AAPA, pg. 2, line 14, printing**).

AAPA does not disclose determining whether an amount of the content on a last page of the scaled multi-page document is less than a predetermined amount; and

further scaling the size of the content scaled multi-page document down to fit to a nearest whole page when the amount of content is less than the predetermined amount.

Cook, however, discloses determining whether an amount of the content on a last page of a scaled multi-page document is less than a predetermined amount (**Cook, col. 1, lines 57-66, determining the line number of a paragraph that will spill over to the next page is essentially determining how much content is on a next page (i.e., will spill over to the next page). If there are only two pages being typed, then the next page would be the last page. The predetermined amount is the third to last line of the paragraph**); and

scaling the multi-page document down to fit to a nearest whole page when the amount of content is less than the predetermined amount (**Cook, col. 1, lines 57-66, if the line is the next to last line (i.e., less than the third to the last line), the document places the line on the current page to avoid widow lines on the next page, the Examiner reads placing the line on the current page past the border as scaling the document**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teachings of Cook with the teachings of AAPA in order to increase the aesthetics of a finished document (**Cook, col. 1, lines 44-46**).

Cook does not disclose scaling the size of the content.

King, however, discloses scaling the size of content to fit on a media (**King, col. 40, lines 55-64 and col. 42, lines 30-67**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teachings of King with the teachings of AAPA and Cook in order for a user to author a document and then have a computer fit it to the media, thereby reducing user workload and increasing user satisfaction (**King, col. 2, lines 43-46**).

In regard to independent claim 6, independent claim 6 contains the same subject matter as the combination of independent claim 5 and dependent claim 1, and is therefore rejected for the same reasons.

In regard to claim 1, which depends from claims 5, AAPA discloses displaying a preview window which shows the pages in the scaled multi-page document (**Canon Easy-WebPrint user Manual, Fig. 1**);

determining a user selection, within the preview window, for the pages of the scaled multi-page document (**AAPA, pg. 2, lines 13-16, and Canon Easy-WebPrint user Manual, Fig. 1, "Content Size" box, and/or "Print" selection**); and

printing a subset of the pages according to the user selection (**AAPA, pg. 2, line 14, printing**).

In regard to claim 2, which depends from claim 1, AAPA discloses wherein the user preference is determined for each page (**AAPA, pg. 2, lines 13-16, and Canon Easy-WebPrint user Manual, Fig. 1, "Content Size" box, and/or "Print" selection would be determined for each page**).

In regard to claim 7, which depends from claim 6, AAPA discloses code for determining a user selection, within the preview window, for the pages of the scaled document (**AAPA, pg. 2, lines 13-16, and Canon Easy-WebPrint user Manual, Fig. 1, "Content Size" box, and/or "Print" selection**); and

code for printing a subset of the pages according to the user selection (**AAPA, pg. 2, line 14, printing**).

4.   Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over

AAPA, Cook, and King as evidenced by Canon Easy-WebPrint user Manual, and further

in view of U.S. Patent No. 6,954,282 B2 to Miyamoto et al. (hereinafter, Miyamoto).

In regard to claim 3 which depends from claim 1, Neither AAPA, Cook, nor King

discloses wherein the user preference is determined by using a checkbox.

Miyamoto, however, discloses wherein the user preference is determined by

using a checkbox (**Miyamoto, Fig. 6, item 13, and col. 4, lines 46-56**).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to use the teachings of Miyamoto with the teachings of AAPA, Cook, and King

to increase user functionality.

In regard to claim 4, which depends from claim 3, Miyamoto discloses wherein

the checkbox is in a vicinity of the previewed pages (**Miyamoto, Fig. 6, item 13, and

col. 4, lines 46-56**).

5.   Claims 8, 10, 12-15, 17, and 19-20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Applicant Admitted Prior Art (hereinafter, AAPA) in view of U.S.

Patent No. 4,889,439 to Cook et al. (hereinafter, Cook), as evidenced by Canon Easy-

WebPrint user Manual.

In regard to independent claims 8 and 15, AAPA discloses a computer implemented method of printing a document sourced from a computer network and spanning a plurality of printable pages (**AAPA, pg. 2, lines 13-16**), comprising the step of:

printing the content (**AAPA, pg. 2, line 14, printing**).

AAPA does not disclose determining whether an amount of content on a last page of the printable pages is less than a predetermined amount; and

when the determined amount of the content is less than the predetermined amount,

(i) determining a user preference for one of (i) scaling a size of the content to fit the nearest whole page, which is the plurality of printable pages less one, and (ii) printing the plurality of pages;

(ii) where the user preference is for scaling, providing a zoom property attribute to scale the size of content down to fit the content to the nearest whole page and scaling a size of the content according to the zoom property attribute.

AAPA, however, discloses (i) determining a user preference for one of (i) scaling the size of the content to fit the nearest whole page, which is the plurality of printable pages less one (**AAPA, pg. 2, lines 13-16, and Canon Easy-WebPrint user Manual, Fig. 1, "Content Size" box, would be scaled when user selects a content size**), and (ii) printing the plurality of pages (**AAPA, pg. 2, line 14, printing**);

(ii) where the user preference is for scaling, providing a zoom property attribute to scale a size of the content down to fit the content to the nearest whole page and

scaling a size of the content according to the zoom property attribute (**AAPA, pg. 2, lines 13-16, and Canon Easy-WebPrint user Manual, Fig. 1, "Content Size" box**).

Moreover, Cook discloses determining whether an amount of content on a last page of said printable pages is less than a predetermined amount (**Cook, col. 1, lines 57-66, determining the line number of a paragraph that will spill over to the next page is essentially determining how much content is on a next page (i.e., will spill over to the next page). If there are only two pages being typed, then the next page would be the last page. The predetermined amount is the third to last line of the paragraph**);

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teachings of Cook with the teachings of AAPA in order to increase the aesthetics of a finished document (**Cook, col. 1, lines 44-46**).

The combination of AAPA and Cook would result in the limitations of claims 8 and 15.

In regard to claim 10, which depends from claim 8, AAPA discloses wherein said determining comprises presenting a dialog box to the user within a graphical user interface whereby the user can select one of scaling the content to fit the nearest whole page or printing said plurality of pages (**Canon Easy-WebPrint user Manual, labeled by Examiner as pg. 1, a GUI is shown, user can select print with out scaling document, or user can scale the document using the "Content Size" box disclosed in the GUI**),

said method being performed in conjunction with a graphical user interface

arranged to display both a print preview of said document spanning said plurality of

pages and a print preview of said document scaled to said nearest whole page (**Canon**

Easy-WebPrint user Manual, labeled by Examiner as pg. 1, a GUI is shown, the

GUI is of a preview window that shows a preview of an image. The default image

previewed is not scaled (see "Content Size" box which is at 100%). If Content

size is adjusted, the preview image would be adjusted. Accordingly, the GUI

displays both a print preview of said document spanning said plurality of pages

and a print preview of said document scaled to said nearest whole page).

In regard to claim 12, which depends from claim 8, neither AAPA nor Cook

disclose wherein the predetermined amount is user adjustable, said method further

comprising a step of presenting a graphical user interface including a value of the

predetermined amount and detecting a user's change to the amount made via the

graphical user interface.

However, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to modify AAPA wherein said predetermined amount is

user adjustable, said method further comprising the step of presenting a graphical user

interface including a value of said predetermined amount and detecting a user's change

to said amount made via said graphical user interface since it has been held that the

provision of adjustability, where needed, involves only routine skill in the art. In re

Stevens, 101 USPQ 284 (CCPA 1954).

In regard to claim 13, which depends from claim 12, the combination of AAPA and Cook disclose wherein the graphical user interface comprises at least one of a numerical representation of the value and a user manipulable graphical representation of the value (**Canon Easy-WebPrint user Manual, labeled by Examiner as pg. 1**, a **GUI is shown, and Cook, col. 1, lines 57-66, line number is numerical representation of said value**).

In regard to claim 14, which depends from claim 13, neither AAPA nor Cook disclose representing the predetermined amount within a bounding area in a graphical user interface and detecting manipulation of the bounding area by the user, the manipulation thereby at least adjusting a scale factor for the scaling.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify AAPA to represent said predetermined amount within a bounding area in a graphical user interface and detecting manipulation of the bounding area by the user, the manipulation thereby at least adjusting a scale factor for the scaling since it was known in the art that such modification provides a user a quick and easy way for a user to see the results of his/her adjustment.

In regard to claim 17, which depends from claim 15, AAPA discloses wherein the computer network comprises the World Wide Web and said printing application program is configured to interact with a web browser application program having an

associated graphical user interface (**Canon Easy-WebPrint user Manual, labeled by Examiner as pg. 1, a GUI is shown, the GUI is integrated into in Internet Explorer browser (see top left of GUI disclosed in Canon Easy-WebPrint user Manual, labeled by Examiner as pg. 1)**),

said printing application program further comprising code arranged to display via the graphical user interface both a print preview of the document spanning the plurality of pages and a print preview of the document scaled to the nearest whole page (**Canon Easy-WebPrint user Manual, labeled by Examiner as pg. 1, a GUI is shown, the GUI is of a preview window that shows a preview of an image. The default image previewed is not scaled (see "Content Size" box which is at 100%). If Content size is adjusted, the preview image would be adjusted. Accordingly, the GUI displays both a print preview of said document spanning said plurality of pages and a print preview of said document scaled to the nearest whole page**).

In regard to claim 19, which depends from claim 17, AAPA discloses code for presenting a subsidiary graphical user interface box within the graphical user interface of the web browser application whereby a user thereof can select one of scaling the content to fit the nearest whole page or printing the plurality of pages (**Canon Easy-WebPrint user Manual, labeled by Examiner as pg. 1, a GUI is shown, the subsidiary graphical user interface box is the toolbar shown in the GUI, the toolbar allows for scaling the content ("Content Size" box) and printing the pages ("Print" button)**).

In regard to claim 20, which depends from claim 19, neither AAPA nor Cook

discloses wherein the subsidiary graphical user interface comprises a dialog box

including a user manipulable graphical representation of predetermined amount.

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to modify AAPA so that said subsidiary graphical user interface

comprises a dialog box including a user manipulable graphical representation of

predetermined amount since it was known in the art that such modification provides a

user a quick and easy way for a user to see the results of his/her adjustment.

6.   Claims 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable

over AAPA in view of Cook, as evidenced by Canon Easy-WebPrint user Manual, and

further in view of U.S. Patent No. 6,954,282 B2 to Miyamoto et al. (hereinafter,

Miyamoto).

In regard to claims 11 and 18, which depend from claims 10 and 17,

respectively, Neither AAPA nor Cook disclose a step of detecting a user selection of

one of the print previews and printing the selected print preview.

Miyamoto, however, discloses a step of detecting a user selection of one of the

print previews and printing the selected print preview (**Miyamoto, Fig. 6, item 13, and

col. 4, lines 46-56, a subset of the images are selected for printing, when the user**

selects the print button, detecting a user selection of one of said print previews

and printing the selected print preview would be required).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to use the teachings of Miyamoto with the teachings of AAPA and Cook to

increase user functionality.

Response to Arguments

7.   Applicants' arguments with respect to claims 1-8, 10-15, and 17-20 have been

carefully considered but are either moot in view of new grounds of rejection or are not

persuasive.

In regard to Applicants' arguments of the rejection of independent claims

1-8, 10-15, and 17-20, Applicants argue that Cook does not disclose scaling the size of

the content of the document. See Amendment, pg. 8-9.

In regard to independent claims 8 and 15, as well as their dependent claims, the

Examiner notes that Cook was used to show the disclosure of determining whether an

amount of content on a last page of said printable pages is less than a predetermined

amount, which is disclosed at, for example, col. 1, lines 57-66.

Accordingly, this argument is not persuasive.

In regard to independent claims 5 and 6, as well as their dependent claims, the

Examiner notes that King was used in a new grounds of rejection.

Accordingly, this argument rendered moot in view of new grounds of rejection.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC A. RUST whose telephone number is (571)-270-3380. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on (571)-272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4380.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ERIC A. RUST/

Examiner, Art Unit 2625

07/15/2010

/Benny Q Tieu/

Supervisory Patent Examiner, Art Unit 2625